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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/866,211

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Derek L. Davis

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02/08/2005

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EXAMINER

SHARMA, SUJATHA R

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,211

Applicant(s)

DAVIS ET AL.

Examiner

Sujatha Sharma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4,6,8-22 are rejected under 35 U.S.C. 103(a) as being anticipated by Orimo [JP 407303134 A] and Mori [US 6,128,485] in view of Schwartz [US 5,903,642].

Regarding claims 1,8,9,14,15,18-20, Orimo discloses a portable telephone handset comprising a casing and display (see abstract and page 1 of English translation paragraphs 1,2). Further, Orimo discloses an internal logic within the casing, the internal logic to perform pickup pause function and keypad to signal the internal logic to initiate pickup pause function. See English translation document page 1, paragraphs 6,12; page 2, paragraphs 13-24.

However Orimo does not disclose a method wherein the pickup pause functionality include

- automatically answer an incoming call and
- playback a message that indicates an intended recipient is temporarily unavailable to answer the incoming call prior to or concurrent with producing an event to notify the recipient of the incoming call

Mori in the same field of endeavor, teaches a method wherein the pickup pause functionality include

- automatically answer an incoming call and

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- playback a message that indicates an intended recipient is temporarily unavailable to answer the incoming call prior to or concurrent with producing an event to notify the recipient of the incoming call.
- indicating an estimated amount of time delay before the incoming call is answered

See col. 4, lines 29-48, col. 16, lines 32-42, col.17, lines 26-47, col.19, lines 18-30.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Mori to Orimo in order to prohibit the use of cell phones in restricted areas and at the same time indicate to the user of a call received while in the restricted area.

However, Orimo and Mori combined fail to disclose a method of requesting a signal as to whether a caller of the incoming call is willing to wait the estimated time period .

Schwartz, in the same field of endeavor, teaches a method wherein when the recipient is not available to receive the call, the caller is given the option of willing to wait the estimated period of time before being connected. See col. 4, lines 36-44.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Schwarz to Mori and Orimo in order to prohibit the use of cell phones in restricted areas and at the same time provide improved service option to the caller.

Regarding claim 2, Orimo further discloses a method wherein by operating the button on the keypad, the on/activate mode is set to meeting or theater mode where no call processing takes

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place and in the off/deactivate mode, the normal operating of the phone is resumed. See English translation document page 1, paragraphs 6,12; page 2, paragraphs 13-24.

Regarding claims 3,4, Orimo further discloses a method wherein the event is a warning, such as vibrating of the device, perceivable only by the recipient. See English translation document page 1, paragraphs 8-11; page 2, paragraphs 13-24.

Regarding claims 6,10,11,13,16,17 Orimo discloses a method wherein the wireless device can be set to off/deactivate mode for a certain period of time specified by the user. See English translation document page 1, paragraphs 6,12; page 2, paragraphs 13-24.

However Orimo does not disclose a method wherein the playback message includes an estimated amount of time delay before the recipient can accept incoming calls.

Mori discloses a method wherein the playback message includes an estimated amount of time delay before the recipient can accept incoming calls. See col. 4, lines 43-48.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Mori to Orimo in order to inform the caller when the called party is again reachable thus preventing the caller to make repeated call to the called party during this time.

Regarding claim 12, Orimo further discloses a method wherein generating a silent includes activating a device of the wireless communication unit to cause the wireless

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communication unit to vibrate. See English translation document page 1, paragraphs 8-11; page 2, paragraphs 13-24.

Regarding claim 21 Orimo further discloses the internal login the wireless device to include a processing unit coupled to memory and a transceiver, the memory storing the date/time schedule. See abstract, drawing 1,2; See also English translation document page 1, paragraphs 8-11; page 2, paragraphs 13-24.

Regarding claim 22, Mori further discloses a method wherein the incoming call is transferred to voicemail if no signal is received from the caller. See col. 18, lines 44-50.

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being anticipated by Orimo [JP 407303134 A] and Mori [US 6,128,485] in view of Schwartz [US 5,903,642] and further in view of Latter [US 2004/0005043 A1].

Regarding claim 5, Orimo as treated in claim 1 discloses all the limitations as claimed. However he does not disclose a method where the pickup pause function generates an alphanumeric message output to the caller.

Latter, in the same field of endeavor, teaches a method where an alphanumeric message is output to the caller.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Latter to modified Orimo in order to provide a more flexible way of informing the caller with the status of the called party.

Response to Arguments

1. Applicant's arguments with respect to claim 1-6, 8-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shtivelmann [US 2001/0040887] Apparatus and methods enhancing call routing to and within call centers

Jurgensen [US 5,329,583] Enhanced automatic call distribution system operation

Kawabata [US 6,097,952] Mobile communication termination controlling method and Mobile communication termination controlling system

Ariga [US 6,625,455] portable telephone system and communication control method for portable telephones set in a restricted area

LaGrotta [US 6,477,361] Remote power down control of a wireless device

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after


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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sujatha Sharma
January 27, 2005


NICK CORSARO
PRIMARY EXAMINER